

REMARKS

Claims 1 through 5, 8 through 12, 15 through 19, and 22 through 26 are currently pending in the application.

This amendment is in response to the Final Rejection of the pending claims in the Office Action of November 7, 2006.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on Cathey et al. (U.S. Patent 5,391,259)

Claims 1 through 5, 8 through 12, 15 through 19, and 22 through 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cathey et al. (U.S. Patent 5,391,259).

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Brothers v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicant has amended the claimed invention to clearly distinguish over the cited prior art.

Applicant asserts that the Cathey et al. reference does not and cannot anticipate the claimed inventions of presently amended independent claims 1, 8, 15, and 22 because the Cathey et al. reference does not identically describe, either expressly or inherently, the identical inventions in as complete detail as contained in the claims.

Turning to the cited prior art, the Cathey et al. reference describes forming a substantially uniform array of atomically sharp emitter tips wherein the difference in the height of the emitter tips formed are in the range of better than 5%, more typically in the range of 10% to 20%. Cathey et al. further describes emitter tips varying in size as a result of the oxidation process necessary to "sharpen" or point the tip varying by as much as 20% thereby increasing the possibility of non-uniformity among the various tips of an array. The emitters described have a height in the range of 0.7 microns to 1.75 microns.

Applicant asserts that the Cathey et al. reference does not identically describe, either expressly or inherently, the elements of the claimed inventions of presently amended independent claims 1, 8, 15, and 22 calling for “a display device having a periphery, a middle, and an interior, each having a plurality of pixels, at least one emitter in each pixel having substantially a same height as a corresponding pixel in another emitter of the emitter array, a material for each emitter comprising amorphous silicon, the at least one emitter and the another emitter having a size within about 0.15 microns of each other in a range from about 3.25 % to within 9.5 % of each other, the periphery having a distribution of emitter heights of not less than 1.4 microns, 1.5 microns, and not greater than 1.6 microns, the middle having a distribution of emitter heights of not less than 1.5 microns, 1.6 micron, and not greater than 1.7 microns, and the interior having a distribution of emitter heights of not less than 1.5 micron, 1.6 microns, and not greater than 1.7 microns” and “the at least one emitter having a height of no less than 1.4 microns”. The Cathey et al. reference clearly describes emitters each having a height less than 1.4 microns. Therefore, presently amended independent claims 1, 8, 15, and 22 are allowable as well as the dependent claims therefrom.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Cathey et al. (U.S. Patent 5,391,259)

Claims 3 through 5, 10 through 12, 17 through 19, and 24 through 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cathey et al. (U.S. Patent 5,391,259). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant further asserts that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Applicant asserts that dependent 3 through 5, 10 through 12, 17 through 19, and 24 through 26 are allowable as they depend from allowable independent claims 1, 8, 15, and 22 for the reasons set hereinabove.

Applicant requests entry of this amendment for the following reasons:

The amendment is timely filed.

The amendment places the application in condition for allowance.

The amendment does not require any further search or consideration.

Applicant submits that claims 1 through 5, 8 through 12, 15 through 19, and 22 through 26 are clearly allowable over the cited prior art.

Applicant requests the entry of this amendment, the allowance of claims 1 through 5, 8 through 12, 15 through 19, and 22 through 26, and the case passed for issue.

Respectfully submitted,



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